

CEQA Scoping Meeting:

Basin Plan Amendment

Removing Lake Tahoe Pier Prohibition



Lahontan Regional
Water Quality Control Board

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1

Overview of Presentation

1. Purpose of Meeting
2. CEQA Process
3. Proposed Project
4. Scientific Basis
5. Potential Impacts
6. Schedule

2

1. Purpose of Scoping Meeting

- What is the Project?
 - Removing a prohibition
- Solicit input to help guide environmental analysis.
 - Identify reasonably foreseeable **significant adverse environmental impacts**

3

2. CEQA Process

- Water Board's planning program is a certified "exempt regulatory program" under CEQA
- Substitute Environmental Document (SED)
 - Includes an environmental checklist
 - Incorporates TRPA's EIS
 - Must be circulated for public review

4

The Environmental Checklist

- Environmental Categories Include:
 - Aesthetics, Air Quality, Noise
 - Rely on the authorities of other agencies to impose and enforce the mitigation measures
 - Hydrology and Water Quality, Biological Resources
 - Compliance with ONRW Status
 - Water quality standards
- Anticipate most impacts considered “Less than Significant with Mitigation”

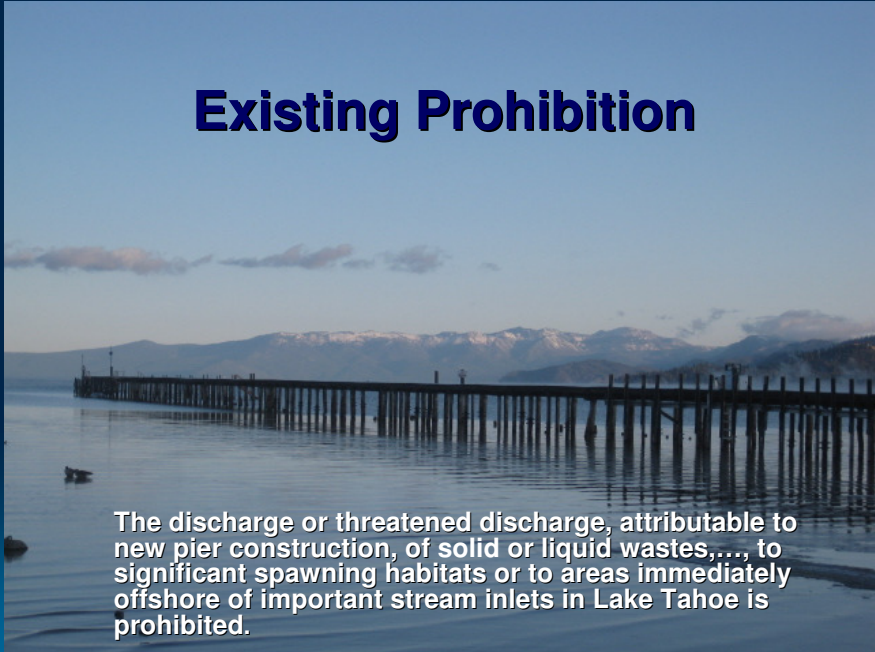
5

Compliance with ONRW

- No long-term lowering of existing high-quality water.
- May allow some activities that result in temporary and short-term changes in water quality.
- Monitoring must demonstrate reductions in water quality are temporary in nature and do not cause adverse impacts to drinking water quality and aquatic life.

6

Existing Prohibition



The discharge or threatened discharge, attributable to new pier construction, of solid or liquid wastes,..., to significant spawning habitats or to areas immediately offshore of important stream inlets in Lake Tahoe is prohibited.

7

3. Proposed Project

➤ Basin Plan Amendment

- Removes Prohibition-removes location restrictions for piers.
- Incorporates Protective Measures associated with TRPA's Shorezone Ordinances (Oct. 2008).
- Makes Editorial changes regarding discussions about shorezone development.

8

Potential Alternatives

- **No Project-** No Water Board Action.
- **Lift the Prohibition-** Allows proposals for new piers in sensitive areas only if up-front mitigation measures are satisfied and additional protection measures are conditions of project approval.
 - TRPA Review & Approval
 - Water Board 401 Water Quality Certification

9

No Project Alternative

- Prohibition remains. No new piers in spawning.
- Total Buildout remains at 138 piers lakewide.
- Location restrictions for piers are not consistent.
 - Between agencies (TRPA and Water Board)
 - Between CA and NV
- Potentially less shorezone improvements.

10

Remove Prohibition

- Allows parcel owners in spawning habitat to apply for a pier.
- Worst Case- If all 138 new piers constructed in spawning.
 - displace 2070 ft² = 0.003% of total spawning habitat remaining is disturbed
- Project must include mitigation measures, which are conditions of permit approval.

11

4. Scientific Basis

- Series of Lake Tahoe-specific studies conducted.
 - Addressed effects of the structure
 - Evaluated effects of an operating boat
- Placement of pilings covers spawning substrate, but this loss can be mitigated.
- Fish activity appears unaffected by turbulence, noise, and light associated with an operating boat.
- Pollutants associated with engine exhaust do not appear toxic to fish or to affect spawning.

12

4. Scientific Basis

➤ Structure Studies

- Impacts to fish spawning habitat can be minimized or avoided provided construction of new piers:
 - 1) occurs within a defined construction period
 - 2) minimizes disturbance
 - 3) incorporates restoration to offset loss of spawning gravels
 - 4) occurs outside of established stream setbacks

13

5. Potential Direct Impacts

- Direct impacts associated w/installation and presence of piers.
 - Fisheries and other biological resources
 - Recreation (Public Access)
 - Water Quality
 - Scenic (Aesthetics)
- Mitigated to less than significant levels by incorporating measures required by TRPA's amended shorezone ordinances.

14

5. Potential Indirect Impacts

- Indirect impacts associated w/activities supported by the piers (e.g., boating activity and operation)
 - Water quality and maintenance of ONRW
 - Noise
 - Public Access
 - Biological Resources



15

Project Elements TRPA Shorezone Program

- Project required to compensate for loss of habitat at a rate of 1.5:1- Prior to construction.
 - Fish Spawning Habitat Restoration Bank
 - Individual on- or offsite mitigation
- Design Criteria to limit disturbance.
- Construction window to limit impacts during spawning and rearing periods.
- Stream-mouth setbacks.

16

Project Elements TRPA Shorezone Program

- Lake Tahoe Public Access Fund (Recreation)
- Design Standards & Density Criteria (Scenic, Recreation, Health and Safety)
- Shorezone Preservation Areas (Scenic, Recreation, Biological)
- BMPs during construction and post-project (Water Quality)
- Drinking Water Intake Setback (Water Quality, Public Services)

17

Project Elements TRPA Shorezone Program

- Boat Sticker Program- funds contribute to Blue Boating Program
- Funds Boater Education to promote cleaner habits
 - Engine tuning requirement
 - Noise Standards
 - Proper sewage and bilge disposal
- Funds enforcement of measures already required by TRPA's Shorezone Ordinances (no-wake zones, no beaching of boats)
- Funds water quality monitoring and annual reporting
 - Data helps gauge annual compliance and refine protective measures

18

Project Elements TRPA Shorezone Program

- Overall Go-Slow Approach for Development
 - 5 piers/year
- Mitigation Monitoring
 - Verify compliance with ONRW
 - BTEX, PAHs, Bacteria (Water Quality)
 - Other
- Shorezone Adaptive Management

19

Shorezone Water Quality Monitoring

- Collaboration w/ TRPA, USGS, UNR to develop and execute monitoring program
 - Sample locations capture areas of high, moderate, limited boating activity and rec use
- Sampling Schedule designed to determine whether degradation is:
 - temporary in nature
 - limited to the active boating season
 - limited such that drinking water, aquatic life, and water contact recreation are protected

20

6. Schedule

1. CEQA Scoping Meeting - Nov. 2009
2. Peer Review and Comment - Mar. 2010
3. Draft Basin Plan Amendment - May 2010
4. Water Board adoption -Sept. 2010
5. State Water Board adoption - Jan. 2011
6. OAL adoption - Feb. 2011

21

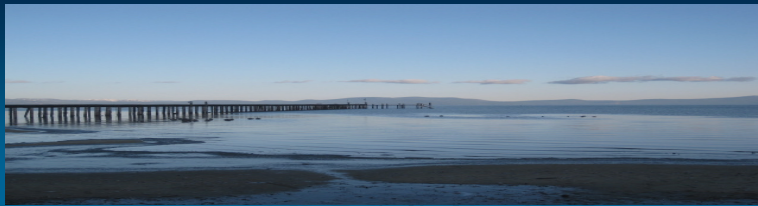
Stay-tuned

- Hearing date for TRPA Shorezone lawsuit set for March 2010.
- The scope of Water Board's action hinges largely on judge's ruling on merits of TRPA's EIS.

22

Availability of Documents

- Draft amendments, environmental document, and Staff Report will be online
<http://www.waterboards.ca.gov/lahontan/>
- Paper copies may be requested from the Water Board's South Lake Tahoe office, phone: (530) 542-5400



23

**To ensure your scoping comments
are considered, they must be received
in writing at the Water Board
by December 21, 2009**

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